

P.O. BOX 655, CHESHIRE, CONNECTICUT 06410
203.715.4970 FAX 203.793.2507
LAWDIAZGALLOZA@YAHOO.COM

LAW OFFICE OF INEZ M. DIAZ GALLOZA

Testimony of Inez Diaz Galloza
in support of funding
for the Commission on Child Protection/Office of Chief Child Protection Attorney
("CCPA")

Appropriations Committee

March 3, 2011

My name is Inez M. Diaz Galloza. I am an appellate attorney who contracts with CCPA to represent indigent children and parents in child protection proceedings. I also previously served as an Assistant Attorney General representing the Department of Children in Families in child protection proceedings.

I write today to support funding for CCPA.

At stake in this hearing is not solely CCPA's budget, but the constitutionally protected right of children and parents to remain together. Connecticut statutes are designed to protect these rights. Our Supreme Courts have long recognized that "parents have a constitutionally protected right to raise and care for their own children." *In re T.K.*, 105 Conn. App. 502, 503 (2008); *Santosky v. Kramer*, 455 U.S. 745, 766 (1982). This right to family integrity includes the most essential and basic aspect of familial privacy—**the right of the family to remain together without the coercive interference of the awesome power of the state.** *In re Juvenile Appeal (83-CD)*, 189 Conn. 276, 284 (1979) (internal quotations and citations omitted)(emphasis added).

According to our public policy, the Department of Children and Families ("DCF") has a tremendous responsibility to protect children from harm. Conn. Gen. Stat. § 17a-101(a). Yet, when the State/DCF initiates a civil proceeding to remove a child from her parent, the parent is often at a disadvantage. A typical parent whose child is removed by DCF and who has had no prior involvement with DCF is in essence a stranger in a foreign land. The parent does not know their legal rights, the lingo, or the process. Moreover, a typical parent is a vulnerable member of society—a single woman of low socio-economic status. Our appellate court highlighted this power differential by stating,

"[i]t must be acknowledged that in matters of termination of parental rights, the department occupies a superior position. As one court realistically noted, [t]he parties are by no means dealing on an equal basis. The parent is by definition saddled with problems: economic, physical, sociological, psychiatric or any combination thereof. **The agency, in contrast, is vested with expertise, experience, capital, manpower and prestige.** Agency efforts correlative to their superiority [are] obligatory." (citations omitted) *In re Eden F.*, 48 Conn. App. 290, 311-12 (1998), *rev'd on other grounds*, 250 Conn. 674 (1999).

Cutting funding to CCPA will further widen this gap in power and resources, thereby undermining the legal protections that children and parents need to safeguard their right to remain together. CCPA is charged with ensuring that indigent parents and children receive high quality and competent legal representation. Without the necessary funding, it will not be able to fulfill its duty.

As both an appellate attorney representing indigent parents and children and as a former Assistant Attorney General, I have two personal observations: (1) that sometimes mistakes are made and qualified lawyers are necessary to help remedy the error; and (2) that after the inception of CCPA, the quality of the legal representation to indigent parents has improved greatly and consequently the rights of children and parents are afforded greater protection.

First, the mistakes made in our child welfare system often have dire consequences for families. Sometimes judges incorrectly interpret and misapply the law, undermining legislative intent. For example, although our legislature enacted recent legislation in P.A. 09-185 to broaden the rights of relatives to intervene in abuse and neglect cases, recently, a court erroneously ruled that a grandparent could not file a Motion to Transfer Guardianship. Because the indigent grandparent was represented by counsel through CCPA, counsel pursued an appeal and the Appellate Court reversed the error, thereby allowing the grandmother the right to file said motion asking that her grandchildren live with her. See, *In re A.R.*, 123 Conn. App. 336 (2010).

Sometimes courts apply the wrong legal standard in violation of our statutes. A particular incorrect ruling resulted in a child being removed from her father. A CCPA attorney appealed the decision and by reversing the ruling, the Appellate Court allowed the child return to her father. See *In re Chronesca D.*, 126 Conn. App. 493 (2010). Sometimes courts make mistakes by relying on third party information never admitted into evidence and use said information as a basis to terminate a mother's parental rights. Competent and experienced attorneys are essential to protect the rights of children and parents to remain together. CCPA cannot train or retain such attorneys without adequate funding.

Secondly, the quality of legal representation afforded to indigent parents and children has greatly improved under the leadership of Carolyn Signorelli, chief Child Protection Attorney, and the CCPA. During my tenure as an AAG, the

judicial department oversaw the legal representation of indigent parents and children under a monetary cap pay structure. As a former AAG, I represented DCF in a myriad of judicial districts and litigated countless child protection cases. I had extensive experience with the contract bar at the time representing parents and children. I interacted with attorneys regularly who did not know the prevailing law, understand the rules of evidence or were unable to either meet with their client or adequately prepare for trial because they reached their hourly cap.

After taking a hiatus from my legal career, I began an appellate practice and contracted with CCPA. I review a plethora of transcripts of child protection trials to ascertain whether any legal errors exist that merit an appeal. In my review of cases, I have observed a vastly different bar than existed in the past-- more skilled and passionate advocates. I believe this is attributable to CCPA and the changes it implemented, including changes in attorney compensation structure, ongoing trainings and legal support, as well as oversight and accountability.

For all these reasons, I urge you to grant funding to CCPA, rather than decreasing its funding.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Inez M. Diaz Galloza', written in a cursive style.

Inez M. Diaz Galloza